

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 1, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 1, 2005 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Carrol D. Mitchem, Vice Chairman
James Buddy Funderburk
Marie Moore
Alex E. Patton

Planning Board Members Present:

Dean Lutz, Chairman
Louis McConnell
John Pagel
Darrell Harkey
Ken Hovis
Clyde Brown
Harold Howard, Jr.
Jerry Geymont
Terry Whitener

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Anderson called the August 1, 2005 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Funderburk gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Anderson presented the agenda for the Board's approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to adopt the agenda as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AUGUST 1, 2005

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Buddy Funderburk
- 6:32 PM Pledge of Allegiance
1. 6:34 PM Adoption of Agenda
2. 6:35 PM Consent Agenda
- Approval of Minutes
 - July 18, 2005
 - Tax Requests for Refunds – More Than \$100
 - July 11 – 17, 2005
 - Tax Requests for Releases – More Than \$100
 - June 16 – July 15, 2005
 - Budget Adjustments 18 - 20
 - Proclamation – Jason Harpe
3. 6:45 PM Zoning Public Hearings – Randy Hawkins

CUP #259 David Ervin, applicant (Parcel ID# 52618) A request for a conditional use permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site is located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township.

PCUR #118 Wal-Mart, applicant (Parcel ID# 50188 and 30725) A request to rezone 29.5 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in Catawba Springs Township.

ZTA #500 Lincoln County, applicant. A proposal to amend Sections 10.10.1 and 10.11.1 of the Lincoln County Zoning Ordinance to include post office” as a permitted use by right in the Neighborhood Business (B-N) and General Business (B-G) districts.

ZMA #501 Marty Mull, applicant (Parcel ID# 02297) A request to rezone a 0.3-acre parcel from Neighborhood Business (B-N) to General Business (B-G). The property is located at 3853 N. Hwy. 16 in Catawba Springs Township.

ZMA #502 Dale Lineberger, applicant (Parcel ID# 23762) A request to rezone a 2.1-acre parcel from Residential Suburban (R-S) to General Industrial (I-G). The property is located at 1027 Horseshoe Lake Road in Lincolnton Township.

ZMA #503 James Beam and Jimmie Allen, applicants (Parcel ID# 29973 and 74195) A request to rezone 18 acres from Residential Single-Family (R-SF) and Residential Suburban (R-S) to General Industrial (I-G). The property is located on the north side of Optimist Club Road about 1,900 feet west of Hwy. 16 in Catawba Springs Township.

CUP #260 Mark Adkins, applicant (Parcel ID# 01650 and 71395) A request for a conditional use permit to operate an animal shelter and an animal kennel in the General Industrial (I-G) district. The 6.4-acre site is located 3920 E. Hwy. 27 in Ironton Township.

PCUR #115A Norman Pointe LLC, applicant (Parcel ID# 56261, 77690 and 77689) A request to amend a conditional use permit that was approved on June 20, 2005, to allow a Planned Residential (P-R) district to be developed with 79 lots for single-family homes. The applicant is requesting changes in conditions concerning lakefront buffer, impervious coverage of lots and measures to control sedimentation and runoff. The 57.6-acre district borders Webbs Road, Little Fork Cove Road and Tree Farm Lane in Catawba Springs Township.

PCUR #120 Signature Development Group, applicant (Parcel ID# 31106, 51837, 83554 and 83555) A request to rezone 110.9 acres from Residential Single-Family (R-SF) and Transitional Residential (R-T) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 70 lots for single-family homes. The property is located on the east side of Beth Haven Church Road about 3,500 feet north of Forney Hill Road in Catawba Springs Township.

PCUR #121 Maxwell Development Co. and Murphy Development Co., applicants (Parcel ID# 32277 and 34771) A request to rezone 28.5 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of 38 lots for single-family homes as Phase II of the Salem Springs subdivision. The property is located about 1,100 feet south of Hagers Ferry Road and 1,300 feet west of Club Drive in Catawba Springs Township.

4. 9:45 PM Secondary Road Right of Way Agreement
 5. 9:50 PM North Brook Fire Department Bids
 6. 9:55 PM Other Business
- Recess

Consent Agenda: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Consent Agenda as presented.

- Approval of Minutes – July 18, 2005

MOTOR VEHICLES

PERIOD COVERED (July 11, 2005 – July 17, 2005)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
The CIT Group/ Equipment Fin	2005	ELFD	0141068	205.78	Pro-Rated Bill
TOTAL				\$205.78	

Tax Requests for Releases – June 16 – July 15, 2005

NAME	YEAR	A/C NO	AMOUNT
Arroyo, Juan C. Melendez	2005	0172750	\$ 127.95
Boggs, Marshall Guy	2004	0184166	\$ 149.15
Childers, Paul D. Jr.	2005	0127814	\$ 136.26
Crevar, John Michael	2004/05	0170873	\$ 222.60
Farley, Hazel Summers	2004	0117948	\$ 129.09
First Citizens Bank	2005	0060512	\$ 160.62
Garcia, Horacio			
Guadalupe	2004	0177201	\$ 140.42
Gargiulo, Michael L.	2004	0183179	\$ 1,126.90
Graham, Harry Keith	2005	0113378	\$ 189.27
Hargis, Jarodd Lee	2003	0170535	\$ 150.34
Moore, Jack Cathey II	2005	0125973	\$ 100.58
Nagim Corp.	2005	0096397	\$ 150.68
Robbins, Brian Lee	2004	0139917	\$ 159.27
Silva, Martin	2004	0149044	\$ 137.89
Sumney, Janet Louise	2005	0184987	\$ 110.67
Usery, Elizabeth Poplin	2004	0177039	\$ 161.30
Vanover, Kevin Dwayne	2005	0184801	\$ 185.97
Weber, Joseph E.	2004	0148653	\$ 137.08
TOTAL			\$ 3,676.04

NAME	YEAR	A/C NO	AMOUNT
Avery, Ashley Ray	2005	0180621	\$ 363.00
Black, Randy	2004/05	0162457	\$ 313.03
Catawba Lands			
Conservancy	2005	0141103	\$ 777.04
Clarks Creek Custom			
Cabinet	2005	0119292	\$ 508.80
Evin, Deniz I.	2005	0177662	\$ 103.82
	2002-		
Hester, Joey Lee	05	0108867	\$ 302.25
Home Improving			
Specialists	2005	0184406	\$ 145.90
Keener, Roy Charles	2005	0180542	\$ 363.00
Link, Pauline S.	2005	0179911	\$ 561.06

Loftis Mini Storage	2005	0155789	\$	132.19
McSparran, Phillip A.	2005	0130233	\$	126.60
NC Dept. of Transportation	2005	0117414	\$	138.00
Overcash, Ann Criscoe	2005	0180719	\$	240.16
R & R Macleod	2004/05	32032	\$	403.24
Sheppard, William L.	2005	0138714	\$	278.70
Shrum, Craig W.	2005	14521	\$	393.74
Timmons, Frances Burgin	2004/05	0064420	\$	292.60
Walker, Tom	2004/05	0162481	\$	346.50
		TOTAL	\$	5,789.63

Budget Adjustment No. 18 to carry over automation funds for Register of Deeds.

Budget Adjustment No. 19 to increase expenditure and revenue line items for funds received for Special Children's Adoption Fund (no county funds involved).

Budget Adjustment No. 20 for encumbrances for DSS.

RESOLUTION DECLARING AUGUST 10, 2005, AS RICHARD JANSEN AND "THRESHING GRAIN" POST OFFICE MURAL DAY IN LINCOLN COUNTY

WHEREAS, Richard H. Jansen was born in Milwaukee, Wisconsin, and painted the "Threshing Grain" mural for the Lincoln Post Office in 1938, as commissioned by the U.S. Department of the Treasury Section of Painting and Sculpture, later known as the Section of Fine Arts; and

WHEREAS, As a graduate of Layton School of Art in Milwaukee, and artist on a series of paintings depicting scenes in Civilian Conservation Camps under the auspices of the Federal Government, he painted murals for Key West, Florida, Reedsburg, Wisconsin, and Sauk Centre, Wisconsin; and

WHEREAS, Richard Jansen served during World War II in the Middle East Theater as an official artist-correspondent, and after the war developed media advertisements for Remington Firearms, Mercury Outboard Motors, Miller High Life, and other companies; and

WHEREAS, Richard Jansen joined the National Park Service in 1957, and painted 12 dioramas including those on display in visitor centers at Yorktown, Jamestown, Fort Sumpter, Bloody March, Kitty Hawk, St. Simons Island, and the Grand Canyon; and

WHEREAS, the "Threshing Grain" mural in the Lincoln Post Office forms a vital part of America's national heritage as a significance element of a comprehensive public collection that portrays the culture and character of the American people within a given era.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincoln declares that August 10, 2005, will be known as **"RICHARD JANSEN AND THE 'THRESHING GRAIN' POST OFFICE MURAL DAY."**

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, August 1, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on July 22, July 29, 2005.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, August 1, 2005, at 6:30 p.m. to consider the following matters:

CUP #259 David Ervin, applicant (Parcel ID# 52618) A request for a conditional use permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site is located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township.

PCUR #118 Wal-Mart, applicant (Parcel ID# 50188 and 30725) A request to rezone 29.5 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in Catawba Springs Township.

ZTA #500 Lincoln County, applicant. A proposal to amend Sections 10.10.1 and 10.11.1 of the Lincoln County Zoning Ordinance to include "post office" as a permitted use by right in the Neighborhood Business (B-N) and General Business (B-G) districts.

ZMA #501 Marty Mull, applicant (Parcel ID# 02297) A request to rezone a 0.3-acre parcel from Neighborhood Business (B-N) to General Business (B-G). The property is located at 3853 N. Hwy. 16 in Catawba Springs Township.

ZMA #502 Dale Lineberger, applicant (Parcel ID# 23762) A request to rezone a 2.1-acre parcel from Residential Suburban (R-S) to General Industrial (I-G). The property is located at 1027 Horseshoe Lake Road in Lincolnton Township.

ZMA #503 James Beam and Jimmie Allen, applicants (Parcel ID# 29973 and 74195) A request to rezone 18 acres from Residential Single-Family (R-SF) and Residential Suburban (R-S) to General Industrial (I-G). The property is located on the north side of Optimist Club Road about 1,900 feet west of Hwy. 16 in Catawba Springs Township.

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The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

2T: July 22, July 29, 2005

August 1, 2005

Zoning - Public Hearing Meeting

Conditional Use Permit No. 259 – David Ervin, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 259 – David Ervin, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 259 – David Ervin, applicant.

The applicant is requesting a conditional use permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site would be subdivided from a 5.2-acre parcel.

The property is located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township. It is adjoined by property zoned General Industrial and Transitional Residential (R-T). This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 259 – David Ervin, applicant.

John Lafferty spoke on behalf of the applicant. He presented documents and stated that North Lincoln High School is over 2 miles from the site. It is .4 miles to the new Highway 16. Mr. Lafferty stated that the Caldwell's had said that they have given an easement to this property. He presented a copy of the deed for this property and a plat. The people who developed that property granted that 60' easement. Mr. Lafferty presented an application from Mr. Henley for a rezoning which was granted in 2002.

Darrell Myers, Production Manager for Thomas Concrete, stated that they want to be friends to the neighbors. He stated that Thomas Concrete hires outside environmental consultants to survey property and design air pollution plans and storm water prevention plans. Guidelines are set in these plans that have to be met concerning emissions and discharge of water. The outside consultant and the State come in every year to do inspections.

Todd Navy stated that he did the preliminary site plan for this facility. He stated that there is ample acreage on this site and plenty of buffer room.

David Ervin stated that this concrete plant would be a tremendous opportunity for Lincoln County and there is a great need for this, as there is little or no competition here. He stated that there is currently a 60' right of way, that was given when the property was first subdivided years ago. He stated that the plant would be an asset to the county for years to come.

Chairman Anderson asked the anticipated life expectancy for this plant.

Mr. Ervin stated that this is not a temporary plant. Thomas is a 21 year old company and plans to be in the area.

Donnie Sentor stated that Thomas Concrete has been in the Charlotte market for 8 years and have grown each year. He stated that the long range plan is to be here a while.

Chairman Anderson asked how many years they thought they would be in Lincoln County.

Donnie Sentor stated that he cannot plan 25 years in advance, because he has to satisfy the customer's needs. He stated that they are currently bringing trucks from Poplar Tent Road to satisfy customer needs. He stated that they will depreciate the property for 10 years.

Sam Beam stated that he is the owner of the property. He stated that he has owned the property for 16 years. Mr. Beam stated that the applicant was sent by county planners, because this property met their needs. He stated that he has 4 tenants in a building there, who can stay if the applicant buys the property. He said that he and his wife worked hard to pay for this property and they feel like this is the right opportunity to sell it.

John Lafferty stated that Thomas Concrete is currently seeking ISO 14000 certification, which is an environmental certification.

Gerald Henley stated that he opposes the concrete plant. He stated that he has commercial property and has pastures with a horse farm. Mr. Henley read letters from veterinarians saying the concrete plant could harm his horses.

Darin Henley stated that he lives in the first house on the right on Henry Dellinger Road. He stated that it is 750 feet from Henry Dellinger Road to this property, but it is only 250 feet from his back steps to this property.

Giles Henley stated that this is a dangerous intersection. He stated that these trucks will make a lot of noise. Mr. Henley stated that he is totally opposed to a concrete plant there.

David Caldwell stated that he is the owner of the property beside the property in question. He stated that they paved the road and pay taxes on the road. He stated that it is a detriment to come in and put this concrete plant. Mr. Caldwell stated that these trucks will tear the driveway up. He stated that his truck and trailer is 64' long, which will be another problem with the right-of-way. Mr. Caldwell said there is no reason for this concrete plant.

Terri Caldwell presented accident reports for the area. She stated that since the last meeting, there was another fatality in the area. She presented a letter from former State Trooper Billy Brooks, saying how dangerous the intersection of Hwy. 150 and Henry Dellinger Road is.

Rodney Walker stated that he lives in the brick house right across from this business. He stated that his kids cannot even play in the front yard because of the traffic and wrecks. Mr. Walker stated that this is a dangerous situation.

Harvey Jonas stated that he stopped practicing law about 10 years ago, but feels that a person has a right to do what he wants to do with his land if it does not harm his neighbors. He stated that this is exactly what is getting ready to happen. He stated that there is a traffic hazard with a blind hill. There will be at least delivery trucks in and out every day. He stated that the Board has to think about the school children that travel this road. Mr. Jonas stated that there are 2 businesses that are about to be destroyed – one is Hot Rod Express and one is Gerald Henley's horse farm.

Mr. Jonas said that the road in to the business is not paved to state specifications and will have to be completely redone.

Mr. Jonas stated the interior of Mr. Caldwell's business is much cleaner than most kitchens and this will destroy his business.

Mr. Jonas asked what authority the representatives of Thomas Concrete have to say how long the concrete plant will be there. He presented a petition with 227 signatures against the concrete plant.

Mr. Jonas read an editorial in the News at Norman, which said the concrete plant was a bad idea for the Highway 150 area.

Mr. Jonas asked everyone in the audience in opposition to stand.

Cindy Karlowits stated that she has known the Caldwell's for 5 years. She stated that the Caldwell's open up their open house to churches and allow them to do fundraisers. She stated that if a concrete company goes in there, she will not take her truck into a parking lot where it will get dirty or dusty. She stated that she has over \$100,000 in her truck and her husband has one as well.

Commissioner Funderburk asked staff about the traffic issue.

David Ervin stated that he and Randy spoke about the traffic and Randy spoke with DOT. DOT did not have a problem with it.

Randy Hawkins stated that the driveway is 560 feet from Henry Dellinger Road. DOT would determine whether to require a left turn lane.

Gerald Lawing stated that he lives directly across from this property and has lived there for 70 years. He stated that he has probably helped more people in wrecks than most paramedics, due to the amount of wrecks at this intersection. He commented that it is one of the most dangerous places in Lincoln County.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

Parallel Conditional Use Permit No. 118 – Wal-Mart, applicant: Randy Hawkins stated that Wal-Mart is asking for the public hearing to be tabled.

Glen Wilkins and Jennifer Windley asked the Board to table the public hearing due to September to make some technical site changes.

Chairman Anderson stated that this issue concerns a number of people and people have spent a lot of time addressing this issue. He stated that if this is tabled again, he would hope that Wal-Mart would be prepared to continue at that time. He asked for WalMart's assurance that they will be ready to continue at the next meeting.

Glen Wilkins stated gave assurance that they would be ready to proceed at the next meeting.

Commissioner Moore asked if Wal-Mart plans to meet with the citizens again to present these changes.

Jennifer Widley stated that these are technical alterations and will not need to be presented to the community.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to table until the September 12, 2005 meeting.

Chairman Anderson called for a brief recess.
Chairman Anderson called the meeting back to order.

Zoning Text Amendment No. 500 – Lincoln County, applicant: Randy Hawkins presented the following information concerning Zoning Text Amendment No. 500 – Lincoln County, applicant.

Zoning Text Amendment No. 500 is a proposal to amend Sections 10.10.1 and 10.11.1 of the Lincoln County Zoning Ordinance to include "post office" as a permitted use by right in the Neighborhood Business (B-N) and General Business (B-G) districts.

Currently, the General Industrial (I-G) district is the only district in which a post office is permitted.

This proposal was prompted by an inquiry from the U.S. Postal Service, which is considering possible sites for a new Vale post office.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 500 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

Zoning Map Amendment No. 501 – Marty Mull, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 501 – Marty Mull, applicant.

The applicant is requesting the rezoning of a 0.3-acre parcel from Neighborhood Business (B-N) to General Business (B-G). Auto repair and auto sales are among the permitted uses by right in the B-G district, but not in the B-N district.

The property is located at 3853 N. Hwy. 16 in the Catawba Springs Township. It is adjoined on the sides and across the highway by property zoned Neighborhood Business and on the rear by property zoned General Business and Residential Single-Family (R-SF).

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 501 – Marty Mull, applicant.

Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

Zoning Map Amendment No. 502 – Dale Lineberger, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 502 – Dale Lineberger, applicant.

The applicant is requesting the rezoning of a 2.1-acre parcel from Residential Suburban (R-S) to General Industrial (I-G). The owner of the property has authorized the rezoning request.

The property is located at 1027 Horseshoe Lake Road in Lincolnton Township and is the site of a 13,125-square foot building that has been used to manufacture furniture frames. The frame shop was grandfathered under the Zoning Ordinance. This property is surrounded by property zoned Residential Suburban. County water is available at this location. This property lies on the edge of an area that's designated by the Land Use Plan as an employment and commercial center.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 502 – Dale Lineberger, applicant.

Betty Brooks stated that she has a home daycare. She stated that they don't have \$300,000 homes. She stated that she likes the idea of children in the neighborhood riding bikes and playing without big trucks. She stated that once the change is approved, they can say they are doing one thing and do another.

Sylvester Charles stated that he has lived there for 30 years. He stated that Black's Frame Shop is already there and there was a dust problem. He stated that he would want to know what would be put there and if it would depreciate his property. He stated that they don't have much and are raising their grandchildren. Mr. Charles expressed concerns that after it is rezoned, other things can be put there.

Arrice Charles stated that she has lived in her house for 15 years. She stated that there are 2 nurseries in the area and lots of kids in the neighborhood. Ms. Charles stated that she is against this.

Angela Jackson stated that she lives on Cloudburst Circle. She stated that she has children and enjoys them being able to play in the yard. She voiced concerns about pollution and noise from a business. She stated that she wants peace and quiet and does not want this in her neighborhood.

Delphine Moore stated that her concern is that she does not know what will be in the building. She stated that she has an investment in her home and wants her children and grandchildren safe. Ms. Moore said that the resident's health and safety are the first priority. She stated that this is a residential area and not industrial. She asked the Board to respect her desire to live peacefully.

LC Smith stated that he lives on Horseshoe Lake Road. He stated that Black's Machine Shop burned down and was rebuilt. He stated that he has raised his children and grandchildren there and does not want industrial brought into the neighborhood. Mr. Smith said that the neighborhood is full of houses and apartments.

Franklin Izard stated that he does not think this needs to be in their neighborhood. He also spoke on the dust problem.

Sharon Reeves stated that she has an in-home daycare center. She stated that this business is coming into the area and the residents don't even know what it is. She voiced concerns about the traffic and asked the Board to keep the area family and not industrial.

Grant Armstrong stated that the business should be somewhere else.

Bernice Friday stated that she lives off Horseshoe Lake Road in a residential area. She stated that she opposes the rezoning. She said that she has children and is doing the best job she can raising the children. She stated that she will appreciate the Board denying the request. Ms. Friday said that these residents do not live in \$100,000 homes, but this business should be in an industrial park.

Dale Lineberger stated that there will be no noise, this will only be for a warehouse. Mr. Lineberger explained that he buys factory seconds and repackages them for resale. He stated that there will be 4 forklifts contained in the building. There will be 1 – 2 trucks per day coming to the building and there will be no chemicals. He stated that he cannot afford a big site at the Industrial Park.

John Pagel asked if there will be sales at the site.

Mr. Lineberger stated that he will not sell to the public.

Commissioner Funderburk stated that he hears a concern over what will go there if the applicant leaves.

Mr. Lineberger stated that he does not plan on leaving.

David Abernathy stated that he was hired to market the property. He stated that Mr. Lineberger's use is the best use of the property. Mr. Abernathy said that Mr. Black is in poor health.

Nathan Black stated that it would be better if the property were rezoned for this use. He stated that people in the community do not like the machine shop, since it makes a lot of noise.

Being no additional speakers, Chairman Anderson declared the public hearing concerning Zoning Map Amendment No. 502 – Dale Lineberger, applicant, closed.

Randy Hawkins read the list of uses by-right in General Industrial.

Zoning Map Amendment No. 503 – James Beam and Jimmie Allen, applicants:

Randy Hawkins presented the following information concerning Zoning Map Amendment No. 503 – James Beam and Jimmie Allen, applicants.

The applicant is requesting the rezoning of 18 acres from Residential Single-Family (R-SF) and Residential Suburban to General Industrial (I-G).

The property is located on the north side of Optimist Club Road about 1,900 feet west of Hwy. 27 in the Catawba Springs Township. It is adjoined by property zoned Residential Single-Family, Residential Suburban, Planned Residential and General Industrial. Most of this property lies within a Duke Power right-of-way.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 503 – James Beam and Jimmie Allen, applicants.

Jim Beam presented pictures of the neighborhood. He stated that 65 – 75% of the square footage is under the right of way. He stated that it seems ideal to put a boat storage/rv storage on this location.

Dean Lutz asked if there is a business there now.

Mr. Beam stated that there is currently a shop there where he stores tractors, etc., but no business.

Jimmie Allen asked the Board to approve the request.

Linda Nixon, 1607 Triangle Circle, stated that this property runs parallel to her property. She stated that although she is friends with the applicants, she does not feel this is the ideal location for this. With the new developments in the area and the rec. center across the road, children are everywhere. She stated that this will be right in her back yard. She spoke of the traffic on this road and said she is really opposed to this request.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

Conditional Use Permit No. 260 – Mark Adkins, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 260 – Mark Adkins, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 260 – Mark Adkins, applicant.

The applicant is requesting a Conditional Use Permit to operate an animal shelter and animal kennel in the General Industrial (I-G) district.

The 6.4-acre site is located at 3920 E. Hwy. 27 in the Ironton Township and includes a 15,000-square foot building that was formerly a skating rink. This property is adjoined on the sides and rear by property zoned General Industrial. The land on the opposite side of the highway is zoned Residential Single-Family (R-SF) and Transitional Residential (R-T). The Lincoln County Land Use Plan designates this area as an employment and commercial center.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 260 – Mark Adkins, applicant.

Mark Adkins voiced support for the animal shelter. He stated that the property is currently zoned General Industrial, which allows for a lot of uses that would not require a Conditional Use Permit. He stated that his goal is to start a non-profit, no-kill shelter. Mr. Adkins stated that he supports Rhonda Thomas and Project Halo. He stated that he and his brother will be providing the funds for this building and for making it a state of the art, first class animal shelter, which will be run by donations. Mr. Adkins said it is hard to believe someone would object to finding animals homes. He said they will have a retail area to off-set the cost of running the shelter. This will not take the place of the Lincoln County Animal Shelter and they will not take all stray animals.

Linda Bean stated that she and her neighbors are against the animal shelter in their neighborhood. She presented a petition with 180 signatures opposing the animal shelter. Ms. Bean stated that they could find a better location for this kennel. She stated that Iron Station Elementary is .5 miles from the proposed shelter and Kenlin Academy is .5 mile away. She voiced concerns about stray animals biting these children at the school or daycare. Tri-County Animal Rescue and the Lincoln County Animal Shelter are located within a 5 mile radius. Ms. Bean stated that Tri-County is a nuisance to the neighbors. She voiced concerns over the noise, odors, and stray animals.

Vickie Bryan stated that she is a business owner and owns 2 residential properties in the area. She spoke against the shelter, saying people will dump strays out and it will depreciate their property values.

Ola Mae Foster stated that a dog kennel will degrade their community and children will be in danger from stray dogs. She said that there will be unpleasant odors. She said the previous owner provided a more positive image for the community. She stated that this shelter would create a nuisance. Ms. Foster expressed concerns that no one from the

group has approached the neighbors about this shelter. She asked the Board to treat the residents as though they would treat themselves.

Rosenetta Sherrill stated that she is a native of Lincoln County and was raised on Hwy. 27. She voiced concerns over the noise, smell, and unpleasantness of an animal shelter. Ms. Sherrill opposed the rezoning in the Ironton Township.

Eugene Tucker stated that he has sold Mark and Will Adkins over a million dollars worth of real estate in Lincoln County. He stated that anything they put there will be nice.

Michele Walker stated that she lives across from Act III Skateland. She asked who would want this outside their front door.

Max Rainwater stated that he owns the property adjacent to this property. He stated that he is all for people starting businesses, but wonders about the noise with dogs barking and the smell. Mr. Rainwater stated that he could put a restaurant on his property and asked how this change will affect his property. He stated that if this were anything but an animal shelter, he would be all for this change.

Rhonda Thomas, President of Project Halo, stated that she her organization is a state-licensed, no-kill animal shelter that rescues unwanted cats and dogs. She stated that they have found homes for 1500 animals. Ms. Thomas said they have never had an incident in over 7 years and have never had a biting issue. She stated that they do not take aggressive dogs. They work closely with Community Service in Mecklenburg County and hope to use it in Lincoln County as well. They have more volunteers through the schools and churches than they can use.

Dr. MacLaughlin, Veterinarian, stated that stray animals do not normally bite people. The animals at the shelter are well cared for and animals are screened before Ms. Thomas will accept them. He stated that he has worked with Project Halo for 10 years. He stated that Project Halo has never had any animals to escape or be a menace to society. Dr. McLaughlin stated that he volunteers his time to the shelter.

Dean Lutz asked about the noise and odor.

Dr. MacLaughlin stated that the animals will be kept indoors. They do not take aggressive dogs. Waste will be scooped by volunteers when the dogs are outside.

Ryan McMorris stated that he is teacher at Charlotte Catholic High School. He stated that he hopes to expose the students to volunteer time. They have a PAWS Club that has been in existence since 2001. The Club comes out each weekend to spend time walking the animals and taking care of them. Each class also adopts an animal and raises money to feed them. He stated that Ms. Thomas is part of the solution, not part of the problem.

Mark Adkins stated that perimeter will be double-fenced and the animals will be taken care of, so they will have no reason to try and get away. He stated that this will not be a situation where there will be 200 dogs sitting on 6 acres outside, they will be inside. He stated that the building is acoustically fitted to keep the noise inside. The feces will be

cleaned up 2 or 3 times per day. A system will be put in so the kennels can be sprayed out, a chemical will be put in and it will go into a large storage that will be cleaned out once per month. Another option is to bag the waste and throw it in the dumpster.

Mr. Adkins stated that there will only be dogs and cats. There will be an employee on site 24 hours per day and they will work 8 to 10 hours per day. This employee will live in the house on the site.

Mr. Adkins stated that the exiting building will have a fresh face added, the parking lot will be resurfaced, the front will be gated (so people cannot come in at night and drop off animals) and landscaping. He stated that the total cost of the finished building will be between \$1.2 and \$1.5 million. He stated that he thinks capacity for the building will be 60 animals.

Rhonda Thomas said that 80% of the animals they get are strays that people turn in. Another 10% would probably come from the Lincoln County Animal Shelter and the last 10% are owner relinquished.

Linda Bean stated that Ms. Thomas said the shelter has been open since 1998, but the veterinarian said that he'd worked with her for 10 years. She stated that Ms. Thomas said the dogs would be indoors most of the time. Ms. Bean said that 80% of the dogs taken are strays and they are concerned their neighborhoods would be a dump spot for strays. She stated that the shelter may have liability insurance, but asked if this would cover the death of a child or senior citizen.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

Parallel Conditional Use Rezoning No. 115A – Norman Pointe, LLC, applicant:

Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 115A – Norman Pointe, LLC, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional use Rezoning No. 115A – Norman Pointe, applicant.

The applicant is requesting to amend a Conditional Use Permit that was approved on June 20, 2005, to allow a Planned Residential (P-R) district to be developed with 79 lots for single-family homes. The applicant is proposing changes in conditions concerning lakefront buffer, impervious coverage of lots and measures to control sedimentation and stormwater runoff.

Following is a list of all the conditions placed on the permit:

- 1) All lots abutting Lake Norman shall have a 75-foot undisturbed buffer.
- 2) Any seawalls shall be built from the waterside only.
- 3) Testing of the water quality in the cove between Tree Farm Road and Little Fork Cover Road shall be performed prior to construction and twice a year for five years thereafter.

- 4) The maximum allowable built-upon area per lot for all structures shall not exceed 20% impervious coverage. All other impervious coverage shall be limited to 2,000 square feet (including driveways, patios, walkways, including gravel, and anything the Watershed Administrator deems impervious). These computations of the impervious area are to be computed by the owner/developer/contractor/surveyor at the time of the building permit application. This shall be a permit-by-permit computation. The owner/developer whose calculation(s) exceeds the prescribed allowable coverage may apply for a variance to the Board of Adjustment of appeal the Watershed Administrator's decision to the Board of Adjustment.
- 5) The developer shall comply with the state's regulations regarding erosion control and take the following additional measures:
 - a. Install porous baffles and sediment skimmers in all sediment basins.
 - b. Install double high hazard silt fence along wetlands, streams, lakes or other surface water bodies as well as adjacent to all buffers.
 - c. Install Department of Transportation (DOT) drop inlet protection with wire and wash stone (inlet sediment trap type C) around all storm drainage inlets.
 - d. All piped storm drainage discharge should flow to a sediment storage device during construction.
- 6) The developer shall take the following measures to reduce non-point source pollutants:
 - a. Install BMPs to treat storm water runoff generated from the first inch of rainfall. These BMPs should be designed and constructed to remove 85% of total suspended solids and 70% total phosphorus in accordance with the most recent edition of the NCDENR BMP Manual.
 - b. Establish a maintenance covenant including a maintenance plan to be recorded at the Register of Deeds Office to ensure the ongoing maintenance of these BMPs.
- 7) The Norman Pointe development shall be subject to covenants, conditions, and restrictions as set forth in the draft copy submitted for review.

The applicant is proposing to:

- Amend Condition #1 so that 11 of the 19 waterfront lots would have to meet only the 50-foot buffer requirements for the state's rules – 30 feet undisturbed, 20 feet vegetated (meaning the area could be cleared and planted with grass or other vegetation) – and so that the remaining eight lots would have a 50-foot undisturbed buffer plus a 25-foot vegetated buffer.
- Amend Condition #4 to limit the overall impervious coverage to 20 percent of the lot area plus an additional 2,200 square feet (rather than limiting driveways, patios and walkways to 2,000 square feet).
- Amend Condition #5 to eliminate the requirement for installing porous baffles and skimmers in all sediment basins.

- Amend Condition #6 to eliminate the requirement for installing BMPs (stormwater control structures, i.e. detention ponds) to treat runoff generated from the first inch of rainfall.

The property borders Webbs Road, Little Cove Fork Road, Tree Farm Lane, and Lake Norman. It is adjoined by property zoned Residential Single-Family and by one parcel zoned General Industrial (I-G).

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 115A – Norman Pointe, LLC, applicant.

Dan Brewer with Chas S. Sells presented the request for changes to the conditions placed on Norman Pointe and justification for the request.

There was a discussion concerning the BMPs and the conditions.

Commissioner Mitchem stated that this is our last chance to protect the lake. He stated that the Board has to do everything it can to protect the water.

A MOTION by Commissioner Mitchem to leave conditions as is on Norman Pointe Subdivision.

Randy Hawkins stated that this still has to go to the Planning Board for a recommendation.

Jeff Taylor agreed that the Board has to have a recommendation from the Planning Board.

Commissioner Mitchem withdrew his motion.

Dr. Charles Lampley thanked the Board for their concerns.

Cynthia Jones stated that she realized that this is a difficult piece of property to develop, but the resources have to be protected.

Bob Howard stated that he owns 2 parcels of land on Little Fork Cove Road. He commended the Board for the excellent job in ensuring Norman Pointe was planned responsibly. He thanked the Board for imposing fair and conditions and urged the Board to keep those conditions.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

Parallel Conditional Use Rezoning No. 120 – Signature Development Group, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 120 – Signature Development Group, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional use Rezoning No. 120 – Signature Development Group, applicant.

The applicant is requesting the rezoning of 110.9 acres from Residential Single-Family (R-SF) and Transitional Residential (R-T) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 70 lots for single-family homes.

The property is located on the east side of Beth Haven Church Road about 3,500 feet north of Forney Hill Road in Catawba Springs Township. It is adjoined by property zoned Residential Single-Family and Transitional Residential. County water or sewer is not available in this area.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 120 – Signature Development Group, applicant.

Brad Freeman, Surveyor, and **Jason Tucker**, developer, stated that they were here to answer questions.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

Parallel Conditional Use Rezoning No. 121 – Maxwell Development Co. and Murphy Development Co., applicants: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 121 – Maxwell Development Co. and Murphy Development Co., applicants.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 121 – Maxwell Development Co. and Murphy Development Co., applicants.

The applicants are requesting the rezoning of 28.5 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of 38 lots for single-family homes as Phase II of the Salem Springs subdivision. The first phase of the subdivision contains 50 lots.

The property is located about 1,100 feet south of Hagers Ferry Road and 1,300 feet west of Club Drive in the Catawba Springs Township. It is adjoined by property zoned Residential Single-Family and Transitional Residential (R-T). County water and sewer are available in this area. Most of this property lies within the East Lincoln Sewer District.

John Maxwell stated that he would like to develop 38 additional lots. He said Randy Hawkins summed it up well.

Ken Berry stated that they were there when Phase I was developed. He stated that he just cannot understand why he would develop this small section.

Lee Dowell, Surveyor, stated that he is here for any questions.

Being no additional speakers, Chairman Anderson called the meeting closed.

Secondary Road Right of Way Agreement: Brad Dyer presented the request from DOT for a road abandonment and Secondary Road Right of Way Agreement. He stated that the curve in the road will allow for expansion of airport hangar space.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the request and the Secondary Road Right of Way Agreement.

North Brook Fire Department Bids: Steve Gilbert presented the following information concerning North Brook Fire Department Bids.

Informal bids were received from three contractors for the water line on Doyle Beam Memorial Road that will serve the new Northbrook Fire Department. The bids are listed below:

Burke Development, Drexel, NC	\$13,623.00
Central Carolina Sprinkler, Lincolnton, NC	\$22,840.00
Metrolina Plumbing, Denver, NC	\$25,960.00

State permits are in hand, so the construction will begin as soon as the contractor can order materials and get started.

Based upon these bids, it is Public Works recommendation that this contract be awarded to Burke Development of Drexel, NC in the total amount of \$13,623.00.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the contract with Burke Development of Drexel, NC in the total amount of \$13,623.00.

Recess: The meeting was recessed to August 2, 2005 at 7:00 p.m. at the East Lincoln Recreation Center.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners